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# CHILD LABOR IN THE UNITED STATES

*Ten Questions Answered*

BUREAU PUBLICATION No. 114

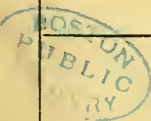
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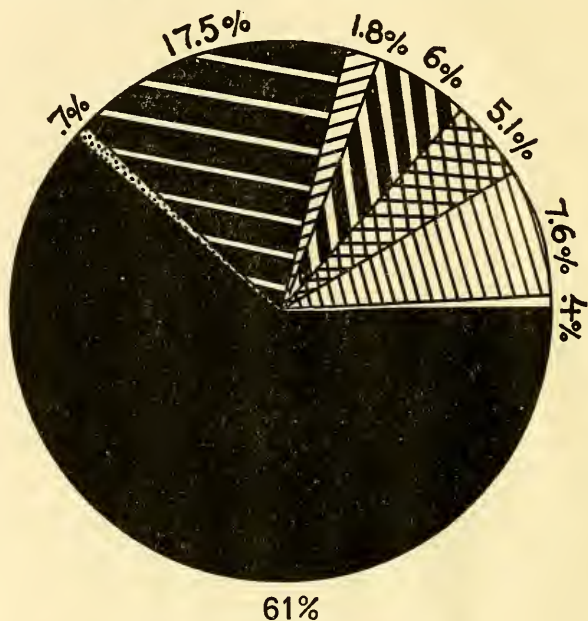
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

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CHART I. PROPORTION OF CHILDREN 10 TO 15 YEARS OF AGE, INCLUSIVE, IN EACH PRINCIPAL DIVISION OF OCCUPATIONS, 1920.



	Agriculture, forestry, and animal husbandry.....	647,309
	Extraction of minerals.....	7,191
	Manufacturing and mechanical industries.....	185,337
	Transportation.....	18,912
	Trade.....	63,368
	Domestic and personal service.....	54,006
	Clerical occupations.....	80,140
	Other.....	4,595



# CHILD LABOR IN THE UNITED STATES.

## TEN QUESTIONS ANSWERED.

### 1. HOW MANY CHILDREN IN THE UNITED STATES ARE AT WORK?

In the United States in 1920 over one million (1,060,858) children 10 to 15 years of age, inclusive, were reported by census enumerators as "engaged in gainful occupations."<sup>1</sup> This number was approximately one-twelfth of the total number (12,502,582) of children of that age in the entire country. The number of child workers 10 to 13 years of age, inclusive, was 378,063. These numbers reported by the census do not include children merely helping their parents at household tasks or chores, or doing irregular work about the home farm, for the census enumerators were directed not to count such children as employed;<sup>2</sup> and as the census was taken in January children employed only during the summer vacations on farms or at other seasonal work were not included.

The census does not report the number of working children under 10 years of age, but it is known that such children are employed in large numbers in agriculture, and in smaller numbers in many other occupations such as street trading, domestic service, and industrial home work.

Table I shows the number and proportion of boys and girls reported as gainfully employed in 1920:<sup>1</sup>

TABLE I.—*Per cent of children engaged in gainful occupations, by sex: 1920.*

Sex.	Children 10 to 15 years of age, inclusive.		
	Total.	Engaged in gainful occupations.	
		Number.	Per cent.
Both sexes .....	12, 502, 582	1, 060, 858	8. 5
Male .....	6, 294, 985	714, 248	11. 3
Female .....	6, 207, 597	346, 610	5. 6

<sup>1</sup> Fourteenth Census of the United States, Population, 1920, Vol. IV, Occupations, p. 476.

<sup>2</sup> *Ibid.*, p. 30.

## 2. IN WHAT OCCUPATIONS ARE CHILDREN ENGAGED?

Of the child workers 10 to 15 years of age, inclusive, in the United States in 1920, 647,309, or 61 per cent, were reported to be employed in agricultural pursuits, the majority (88 per cent) of them as laborers on the home farm. An even larger proportion, 87 per cent, of the working children 10 to 13 years of age, inclusive, were at work in these occupations. There were 185,337 children, or 17.5 per cent of the total number of working children under 16, employed in manufacturing and mechanical industries—cotton, silk, and woolen mills; cigar, clothing, and furniture factories; and canneries and workshops. Over 80,000 children were engaged in some type of clerical occupation; approximately 63,000 were in trade; 54,000, the majority of whom were girls, were working at occupations classified under "domestic and personal service"; and 7,191—almost all of them boys—were employed in the extraction of minerals. Almost 25,000 children 10 to 13 years of age were reported as employed in trade and clerical occupations, over 12,000 in "domestic and personal service," and almost 10,000 in manufacturing occupations.

The occupations of children 10 to 15 years of age employed in non-agricultural pursuits are given in the following table and in Charts II and III:

TABLE II.—*Number and per cent distribution, by occupation, of children 10 to 15 years of age, inclusive, engaged in selected nonagricultural pursuits, for the United States: 1920.*<sup>1</sup>

Occupation.	Children 10 to 15 years of age engaged in non-agricultural pursuits: 1920.	
	Number.	Per cent distribution.
All nonagricultural pursuits.....	413,549	100.0
Messenger, bundle, and office boys and girls <sup>2</sup> .....	48,028	11.6
Servants and waiters.....	41,586	10.1
Salesmen and saleswomen (stores) <sup>3</sup> .....	30,370	7.3
Clerks (except clerks in stores).....	22,521	5.4
Cotton-mill operatives.....	21,875	5.3
Newsboys.....	20,706	5.0
Iron and steel industry operatives.....	12,904	3.1
Clothing industry operatives.....	11,757	2.8
Lumber and furniture industry operatives.....	10,585	2.6
Silk-mill operatives.....	10,023	2.4
Shoe-factory operatives.....	7,545	1.8
Woolen and worsted mill operatives.....	7,077	1.7
Coal-mine operatives.....	5,850	1.4
All other occupations.....	162,722	39.3

<sup>1</sup> Fourteenth Census of the United States, 1920: Children in Gainful Occupations, p. 30.

<sup>2</sup> Except telegraph messengers.

<sup>3</sup> Includes clerks in stores.

CHART II. CHILDREN 10 TO 15 YEARS OF AGE, INCLUSIVE, EMPLOYED AS LABORERS AND SEMISKILLED OPERATIVES IN MANUFACTURING AND MECHANICAL INDUSTRIES, 1920.<sup>1</sup>

(All branches of the textile industry grouped together.)

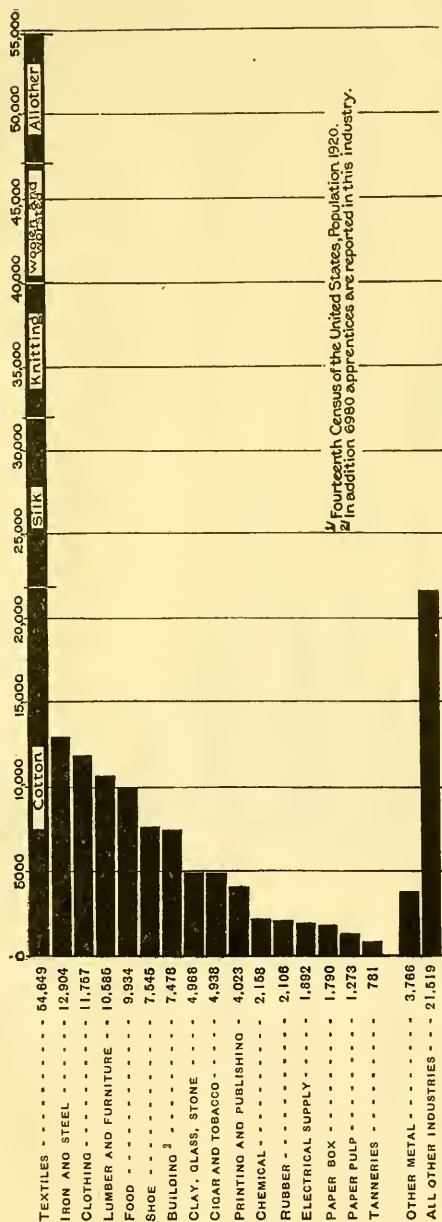
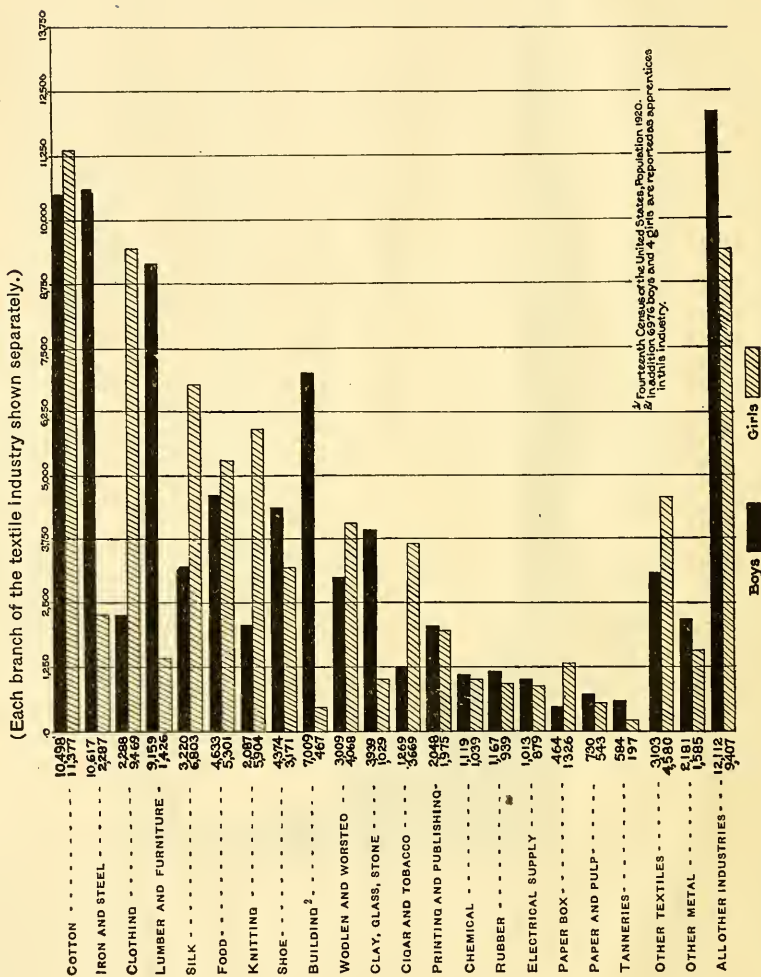


CHART III. BOYS AND GIRLS 10 TO 15 YEARS OF AGE, INCLUSIVE, EMPLOYED AS LABORERS AND SEMISKILLED OPERATIVES IN MANUFACTURING AND MECHANICAL INDUSTRIES, 1920.<sup>1</sup>  
(Each branch of the textile industry shown separately.)



### 3. IN WHAT SECTIONS OF THE COUNTRY ARE THE LARGEST NUMBERS OF CHILDREN AT WORK?

Child labor, as Table III indicates, is confined to no one section of the country. According to the 1920 census the proportion of the total child population 10 to 15 years of age, inclusive, "employed in gainful occupations" ranged from 3 per cent in the three Pacific Coast States to 17 per cent in the East South Central States, comprising Kentucky, Tennessee, Alabama, and Mississippi. In Mississippi more than one-fourth of all the children 10 to 15 years of age were at work; in Alabama and in South Carolina, 24 per cent; in Georgia, 21 per cent; and in Arkansas, 19 per cent. Of the New England States, Rhode Island had the largest proportion of children from 10 to 15 years of age, 13 per cent, "employed in gainful occupations." Except in the South no other State had so large a percentage of employed children as this. When all occupations are taken into account the proportion of children at work was much larger in the South than in any other section of the country; but when nonagricultural occupations alone are considered the proportion was considerably larger for New England and for the Middle Atlantic States, and slightly larger for the East North Central States—Ohio, Indiana, Illinois, Michigan, Wisconsin—than for any one of the three southern geographic divisions.

Detailed statistics on the occupations in which children were engaged in 1920 in the different States of the United States may be obtained from the United States census reports,<sup>1</sup> particularly the following:

Fourteenth Census of the United States, Population, 1920: Volume IV, Occupations (especially Chapter V, Children in Gainful Occupations,<sup>2</sup> pp. 474-688; Chapter IV, Age of Occupied Persons, pp. 374-472; and Chapter I, Enumeration and Classification of Occupations, pp. 8-23).

A brief summary of these statistics may be found in the leaflet Occupations of Children, Fourteenth Census of the United States, Population, 1920.

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<sup>1</sup> Published by the Bureau of the Census, United States Department of Commerce.

<sup>2</sup> Reprints of each chapter of Volume IV are published separately.



TABLE III.—Per cent of children engaged in gainful occupations, by States: 1920.<sup>1</sup>

Division and State.	Children 10 to 15 years of age, inclusive.						
	Total.	Engaged in gainful occupations.					
		Number.	Per cent.	Agricultural.		All other.	
				Number.	Per cent.	Number.	Per cent.
United States.....	12,502,582	1,060,558	8.5	647,309	5.2	413,549	3.3
New England.....	768,131	59,239	7.7	3,033	.4	56,186	7.3
Maine.....	82,829	2,585	3.1	823	1.0	1,762	2.1
New Hampshire.....	45,691	1,526	3.3	215	.5	1,311	2.9
Vermont.....	38,579	1,277	3.3	510	1.3	767	2.0
Massachusetts.....	394,026	33,723	8.6	831	.2	32,892	8.3
Rhode Island.....	63,739	8,569	13.4	119	.2	8,450	13.3
Connecticut.....	143,267	11,559	8.1	555	.4	11,004	7.7
Middle Atlantic.....	2,397,736	131,841	5.5	8,922	.4	122,619	5.1
New York.....	1,059,635	49,845	4.7	2,401	.2	47,445	4.5
New Jersey.....	341,185	26,024	7.6	998	.3	25,026	7.3
Pennsylvania.....	995,916	55,671	5.6	5,523	.6	50,148	5.0
East North Central.....	2,312,711	100,801	4.4	23,425	1.0	77,376	3.3
Ohio.....	595,741	15,119	3.0	3,721	.6	14,398	2.4
Indiana.....	323,979	16,911	5.2	4,844	1.5	12,067	3.7
Illinois.....	692,310	36,933	5.3	5,801	.8	31,132	4.5
Michigan.....	384,213	13,154	3.4	3,588	.9	9,566	2.5
Wisconsin.....	308,468	15,684	5.1	5,471	1.8	10,213	3.3
West North Central.....	1,477,863	57,906	3.9	29,722	2.0	28,184	1.9
Minnesota.....	277,528	8,271	3.0	4,668	1.7	3,573	1.3
Iowa.....	270,217	9,121	3.4	4,184	1.5	4,937	1.8
Missouri.....	395,682	22,587	5.7	9,622	2.4	12,965	3.3
North Dakota.....	87,883	2,816	3.2	2,384	2.7	452	.5
South Dakota.....	78,427	2,555	3.3	1,925	2.5	627	.8
Nebraska.....	155,920	5,286	3.4	3,171	2.0	2,115	1.4
Kansas.....	211,696	7,270	3.4	3,755	1.8	3,515	1.7
South Atlantic.....	1,911,574	273,981	14.3	214,906	11.2	59,075	3.1
Delaware.....	23,899	1,496	5.9	393	1.7	1,103	4.3
Maryland.....	164,546	12,390	7.5	3,168	1.9	9,122	5.5
District of Columbia.....	35,230	1,871	5.3	5	(F)	1,866	5.3
Virginia.....	311,915	25,493	8.2	15,501	5.0	9,992	3.2
West Virginia.....	191,299	7,431	3.9	4,112	2.1	3,319	1.7
North Carolina.....	373,484	62,162	16.6	50,582	13.5	11,580	3.1
South Carolina.....	260,204	63,520	24.4	56,920	21.9	6,600	2.5
Georgia.....	427,235	88,394	20.8	77,105	18.0	11,289	2.8
Florida.....	123,852	10,864	8.8	7,120	5.7	3,744	3.0
East South Central.....	1,267,275	221,342	17.5	196,620	15.5	24,722	2.0
Kentucky.....	318,498	26,754	8.4	21,036	6.6	5,718	1.8
Tennessee.....	323,548	39,837	12.3	32,326	10.0	7,511	2.3
Alabama.....	349,537	84,397	24.1	77,395	22.1	7,002	2.0
Mississippi.....	273,782	70,354	25.5	65,863	23.9	4,491	1.6
West South Central.....	1,449,764	184,267	12.7	158,187	10.9	26,080	1.8
Arkansas.....	259,593	45,140	18.5	45,686	17.6	2,454	.9
Louisiana.....	258,052	32,274	12.5	23,718	9.2	8,556	3.3
Oklahoma.....	289,533	22,981	7.9	19,762	6.8	3,229	1.1
Texas.....	642,586	80,872	12.6	69,031	10.7	11,841	1.8
Mountain.....	368,563	15,612	4.0	8,950	2.3	6,662	1.7
Montana.....	60,045	1,492	2.3	678	1.1	724	1.2
Idaho.....	54,641	1,995	2.9	1,092	2.0	516	.9
Wyoming.....	20,387	698	3.0	367	1.5	301	1.5
Colorado.....	104,790	4,535	4.3	1,955	1.9	2,603	2.5
New Mexico.....	45,682	2,195	4.6	1,418	3.0	777	1.6
Arizona.....	38,278	2,711	7.1	1,981	5.2	730	1.9
Utah.....	60,675	2,361	3.9	1,477	2.4	884	1.5
Nevada.....	6,715	199	2.5	42	.6	127	1.9
Pacific.....	524,455	15,199	3.1	3,524	.7	12,645	2.4
Washington.....	138,645	4,650	3.4	1,024	.7	3,626	2.6
Oregon.....	81,500	2,462	3.0	665	.8	1,794	2.2
California.....	304,320	9,687	3.0	1,832	.6	7,225	2.4

<sup>1</sup> Compiled from Fourteenth Census of the United States, Population, 1920: Children in Gainful Occupations, p. 13.<sup>2</sup> Less than one-tenth of 1 per cent.

#### 4. IS THE NUMBER OF CHILDREN AT WORK DECREASING?

Once in every 10 years the United States Census Bureau reports on the number of working children 10 to 15 years of age, inclusive. No complete count of employed children is made between these censuses. The most recent decennial census was taken in January, 1920, at the beginning of a period of industrial depression and at a season of the year when employment in many occupations, especially in agriculture, was at its lowest ebb. Moreover, in 1920, the employment of children was discouraged by a Federal child labor law.<sup>1</sup> Since the census of 1920 was taken this law has been declared unconstitutional, the industrial depression has been succeeded by a period of increasing employment.

The census of 1920 records a considerable decrease since 1910 in the number of children reported at work. Although the total child population 10 to 15 years of age, inclusive, increased 15.5 per cent during this period, the number of working children reported decreased almost half (46.7 per cent). A corresponding decrease took place in the proportion of all children of these ages who are employed in gainful occupations, from 18.4 per cent in 1910 to 8.5 per cent in 1920. As shown by Table IV, the decline is most striking in connection with agricultural pursuits, in which the number of children employed decreased 54.8 per cent.

TABLE IV.—*Relative changes in numbers of children and of all persons 10 years of age and over employed, 1910 to 1920, by occupation and age.*<sup>2</sup>

Occupation.	Per cent of increase or decrease, 1910-1920.		
	All persons 10 years of age and over.	Children 10 to 15 years of age, in- clusive.	Children 10 to 13 years of age, in- clusive.
Total population.....	+15.6	+15.5	+18.4
Total gainfully employed.....	+9.0	-46.7	-57.8
Agriculture, forestry, and animal husbandry.....	-13.5	-54.8	-58.9
Farm laborers (home farm).....	-44.1	-50.8	-55.1
Farm laborers (working out).....	-22.1	-75.4	-81.1
Nonagricultural pursuits.....	+20.2	-25.9	-48.8
Extraction of minerals.....	+13.0	-60.2	-72.6
Manufacturing and mechanical industries.....	+20.6	-29.0	-71.1
Transportation.....	+16.2	-9.1	-29.1
Trade.....	+17.4	-10.4	-1.7
Public service (not elsewhere classified).....	+67.8	+110.4	+142.9
Professional service.....	+26.6	-2.8	+7.4
Domestic and personal service.....	-9.7	-51.9	-62.7
Clerical occupations.....	+80.0	+12.9	-4.6

<sup>1</sup> The Federal child labor tax law was effective from Apr. 25, 1919, to May 15, 1922.

<sup>2</sup> Compiled from Fourteenth Census of the United States, 1920: Children in Gainful Occupations, pp. 65, 68; Occupations, Age of Occupied Persons, p. 378; Thirteenth Census of the United States, Vol. IV, Population, 1910, Occupation Statistics, p. 302.



## 5. IS THE DECREASE BETWEEN 1910 AND 1920 REAL OR APPARENT?

According to the United States Census Bureau, a large part of the decrease in the number of children reported in 1920 as employed is apparent rather than real. This is due primarily to a change in the census date from April 15 in 1910 to January 1 in 1920, a circumstance which largely explains the smaller number of children reported in 1920 as engaged in farm work and other seasonal occupations in which fewer children are employed in January than in the spring. Since by far the greater part (84.5 per cent) of the decline in the number of children reported at work in all occupations is due to the large decrease (54.8 per cent) in the number reported as employed in agricultural pursuits, clearly much of the total decrease reported in 1920 can not be regarded as an actual reduction in the total numbers of children gainfully employed. In the nonagricultural occupations,<sup>1</sup> however, much of the decline in the numbers of children reported as employed represents a real decrease, which may safely be attributed to conditions affecting directly and especially the labor of children. Chief among these are the enactment and strengthening of legal regulations, both State and Federal.

Table IV shows a smaller number of employed children in 1920 than in 1910 in each of the principal occupational groups other than the agricultural<sup>1</sup> except two—public service and clerical work, neither of which was affected by the Federal child labor laws—although the total number of employed persons of all ages in each of these occupational groups increased.

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<sup>1</sup> Child labor in agricultural pursuits was not covered by either of the Federal laws and has never been subject to State regulation to any appreciable extent. See p. 20.

## 6. WHAT PROGRESS HAS BEEN MADE IN LEGAL REGULATION DURING THIS PERIOD?

During the decade between 1910 and 1920 Federal regulation of child labor was for the first time in effect. The first Federal child labor law, enacted on September 1, 1916, to become effective one year after its passage, prohibited the shipment in interstate and foreign commerce of goods produced in mines or quarries in which children under 16 years of age were employed, or in mills, canneries, workshops, factories, or manufacturing establishments in which children under 14 years of age were employed, or in which children between 14 and 16 years of age worked more than eight hours a day or six days a week or between 7 p. m. and 6 a. m. This law was declared unconstitutional by the United States Supreme Court on June 3, 1918. A second Federal law, known as the child labor tax act, was passed in February, 1919, and put a premium on the observance of the same standards by imposing a tax upon the profits of all mines and manufacturing establishments employing children in violation of these standards. Although since declared unconstitutional (on May 15, 1922), this law was in effect at the time of the 1920 census.

While this law may be said to have been an important factor in the decrease which the 1920 census shows, its effectiveness was undoubtedly weakened by the fact that it did not directly prohibit or regulate child labor, but merely tended to discourage it by imposing a tax upon the profits of establishments employing children contrary to the standards set up, and by the fact also that pending the decision of the United States Supreme Court as to the constitutionality of the law the collection of the tax was rendered difficult.

State standards relating to the employment of children were also raised in a number of States during this period. Laws fixing the minimum age for going to work were strengthened in at least one-half of the States, either by raising the age or by increasing the number of occupations to which the law applied, or in both ways. In many States these measures were supplemented and the number of child workers consequently reduced by raising the educational, physical, or other requirements which a child must meet before being permitted to go to work. The number of States fixing a maximum working-day of eight hours for children under 16 in any considerable number of occupations increased from 7 to 28, and the number of those having no prohibition of night work of such children fell from 23 to 7 during the decade. The possibility of adequate enforcement of these various regulations was increased by both legislative and administrative action. Moreover, the standards of

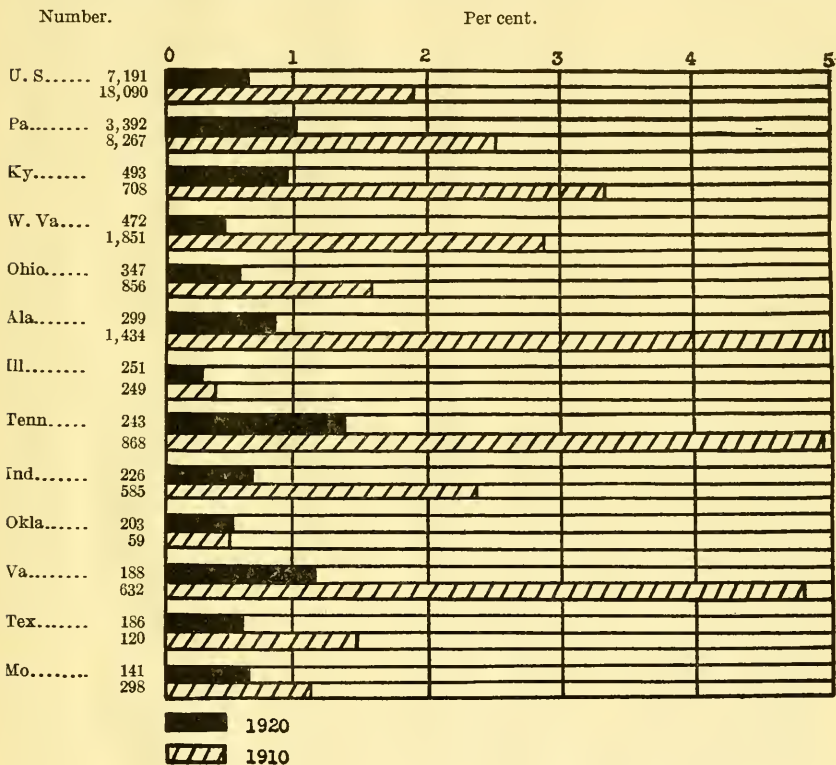
compulsory-education laws were generally raised so that fewer children could leave school for work. Although these laws may not be well enforced in many localities, in 1920 every State at least had such a law, while in 1910 there were seven States without compulsory-education provisions. A new type of legislation, providing for the part-time education of employed children during their working hours, was passed during the decade in 22 States. This legislation undoubtedly had an influence upon the extent of child employment in 1920 in communities where continuation schools had been started, since, as in the case of restrictions of hours, employers are said to be loath to hire persons for whom special arrangements must be made.

#### LEGISLATION AND CHILD LABOR IN MINES.

According to the census returns the number of children 10 to 15 years of age, inclusive, employed in mining occupations declined 60 per cent in the period 1910-1920, as compared with an increase of 13 per cent in the total number of persons engaged in the industry. During this period not only did Federal regulations become effective, imposing a minimum age of 16 years for the employment of children in and about mines, but in addition all of the principal mining States except two—Illinois and Indiana—raised the minimum legal age for such work to 16. Illinois had had a 16-year age minimum for mining in 1910. Indiana, which had a minimum age of 14 years in both 1910 and 1920, nevertheless showed a decrease in child labor in the mining industry of 61.4 per cent as compared with an increase of 37.1 per cent in the total number of persons employed in mining, apparently a case of the influence of the Federal law in a State with standards lower than the Federal standards.

Chart IV shows the proportion of children under 16 in the total number of persons employed in mining occupations in 1910 and 1920, for the 12 States employing the largest number of children in the mining industry.

CHART IV. PROPORTION OF CHILDREN BETWEEN 10 AND 16 YEARS OF AGE IN THE TOTAL NUMBER OF PERSONS ENGAGED IN THE MINING INDUSTRIES IN THE UNITED STATES AND IN THE 12 STATES EMPLOYING THE LARGEST NUMBERS OF CHILDREN IN THESE INDUSTRIES, 1910 AND 1920.



## LEGISLATION AND CHILD LABOR IN MILLS AND FACTORIES.

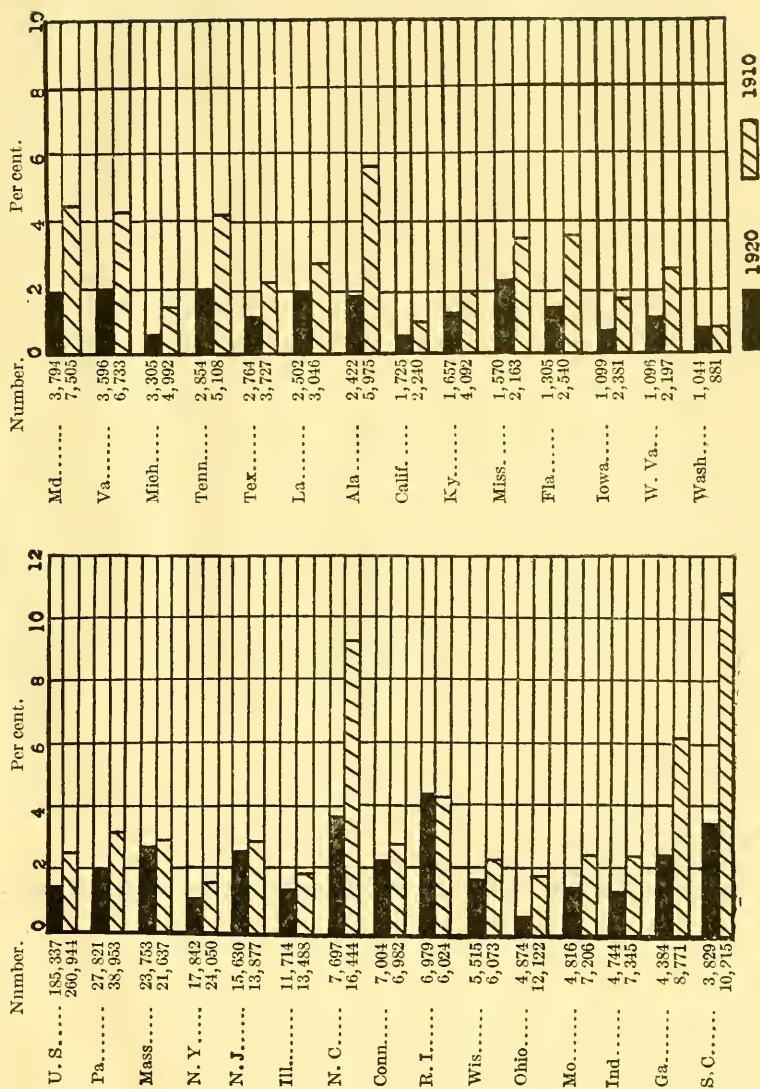
In the manufacturing occupations in which the Federal laws of 1916 and 1919 prescribed a minimum age of 14 years, the influence of child-labor legislation appears to have been almost as important as in the mining industry. Except in five States—Rhode Island, Massachusetts, Connecticut, New Jersey, and Washington—and in the District of Columbia, decreases in child workers, in many cases of from 40 to 60 per cent, were reported for the period 1910–1920. Decreases were generally greatest in States where the minimum age had been raised during the decade, as in Maine (67.8 per cent), Ohio (59.8 per cent), Alabama (59.5 per cent), Maryland (49.4 per cent), and Florida (48.6 per cent); or where the unsatisfactory character of State law or administration had necessitated the issuance of Federal certificates of age, as in Virginia (46.6 per cent), Georgia (50 per cent), North Carolina (53.2 per cent), and South Carolina (62.5 per cent).

In 1920, as at previous census periods, the largest number of children engaged in manufacturing pursuits were employed in the textile industries, almost half of them being in the cotton mills. For the textile industries the number of child workers was 77,967 in 1910 and 54,649 in 1920, representing a decrease of 29.9 per cent as compared with an increase of 75.9 per cent in the total number of textile workers. In the cotton mills the number of children employed was 21,875 in 1920 as compared with 40,572 in 1910; this represents a decrease of 46.1 per cent in the number of working children as compared with an increase of 101.9 per cent in the total number of cotton-mill operatives. The decreases in child labor in the cotton industry were principally in the Southern States, where considerable advance was made in child-labor and education laws and where the effect of the Federal laws was especially marked.

Chart V shows the proportion of children in the total number of persons employed in manufacturing and mechanical industries, as reported by the censuses of 1910 and 1920, for the 28 States employing the largest number of children in these industries.



CHART V. PROPORTION OF CHILDREN BETWEEN 10 AND 16 YEARS OF AGE IN THE TOTAL NUMBER OF PERSONS ENGAGED IN MANUFACTURING AND MECHANICAL PURSUITS IN THE 28 STATES EMPLOYING THE LARGEST NUMBERS OF CHILDREN IN THESE INDUSTRIES, 1910 AND 1920.



## 7. WHAT WERE THE PROVISIONS OF THE FIRST AND SECOND FEDERAL CHILD-LABOR LAWS?

The first and second Federal child-labor laws established certain national minimum standards for the employment of children—that children under 14 should not be employed in mills, factories, manufacturing establishments, canneries, or workshops, that children between 14 and 16 should not be employed in these establishments more than 8 hours a day or 6 days a week, or between 7 p. m. and 6 a. m., and that children under 16 should not be employed in mines and quarries. The first Federal law, passed September 1, 1916, to go into effect one year later, forbade the transportation in interstate or foreign commerce of the products of establishments <sup>1</sup> violating these standards. This law was held unconstitutional by the United States Supreme Court <sup>2</sup> on June 3, 1918, on the ground that in attempting to regulate child labor in this way Congress had exceeded its constitutional power to regulate interstate commerce.

The second Federal law (the so-called child labor tax act), passed February 24, 1919, and effective April 25, 1919, imposed a 10 per cent tax upon the net profits of establishments violating the standards outlined above. The Supreme Court, on May 15, 1922, by an 8 to 1 decision,<sup>3</sup> declared that Congress had exceeded its constitutional powers in the enactment of this law.

Though the child-labor standards of these two Federal laws were relatively conservative, only 19 States<sup>4</sup> now measure up to them even in regard to work in mills, factories, manufacturing establishments, canneries, and workshops, and only 13 measure up to them in all particulars.

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<sup>1</sup> That is, of mills, factories, manufacturing establishments, canneries, workshops, mines, or quarries as specified above.

<sup>2</sup> *Hammer v. Dagenhart*, 247 U. S. 251.

<sup>3</sup> *Bailey v. Drexel Furniture Co.*, 259 U. S. 20.

<sup>4</sup> In one of these States the hours-of-labor provisions of the law do not go into effect until July 1, 1927.



## 8. WHAT IS THE PROPOSED FEDERAL CHILD-LABOR AMENDMENT?

Inasmuch as two attempts of the Federal Government to extend its protection to child laborers by indirect measures have been declared unconstitutional by the United States Supreme Court it would appear that Federal regulation is possible only through an amendment to the Constitution specifically granting to Congress the power to pass laws prohibiting and regulating the employment of children in the various States.

Such an amendment has been submitted by Congress to the States. It provides for a grant of power to Congress to prohibit or to regulate child labor, limiting the extent of this power to persons under 18 years of age. The resolution proposing this amendment was adopted at the last session of Congress by a vote of 297 to 69 in the House of Representatives and a vote of 61 to 23 in the Senate. It is in the following form:

*"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.*

*"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."*

This amendment is now before the States for ratification. The legislatures of three-fourths of the States must ratify it before it becomes a part of the Federal Constitution.

## 9. HOW IS CHILD LABOR REGULATED BY THE STATES AT THE PRESENT TIME?<sup>1</sup>

The child-labor laws of the States set up certain standards—age, educational, and physical, as a rule—which the child must meet before he can be employed in a specified list of occupations. They limit his hours of employment during the first years of his working life, and prohibit him from engaging in certain hazardous employments. The laws are enforced through a work-permit system administered in most States by local school authorities and through inspection of the place of employment by some State agency, usually the department of labor. Moreover, in every State the compulsory school attendance law, if enforced, indirectly regulates the employment of children during school hours.

The failure of the State child-labor laws to prevent the widespread employment of children shown by the census reports is not altogether due to low standards; it is due also to the numerous exemptions permitted by many of the State laws and to inadequate enforcement of the laws.

Owing to the difficulty of presenting clearly a large number of details in chart form, the legal standards for minimum age<sup>2</sup> and for hours of work are shown in the maps which follow only for factories and stores; but the same regulations in many States apply to a considerable number of other occupations, and in a few to any employment.<sup>3</sup>

Few State laws apply specifically to farm work or domestic service. Although a number of child labor laws apply to "all gainful occupations," and therefore nominally cover farm work and housework, almost the only regulation of these types of child labor is that which results indirectly from the operation of the compulsory school attendance laws.

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<sup>1</sup>The maps on the following pages show the provisions of the laws as of August 1, 1926.

<sup>2</sup>Except those for work in mines, which are given separately.

<sup>3</sup>Usually, however, exempting agricultural pursuits and domestic service.

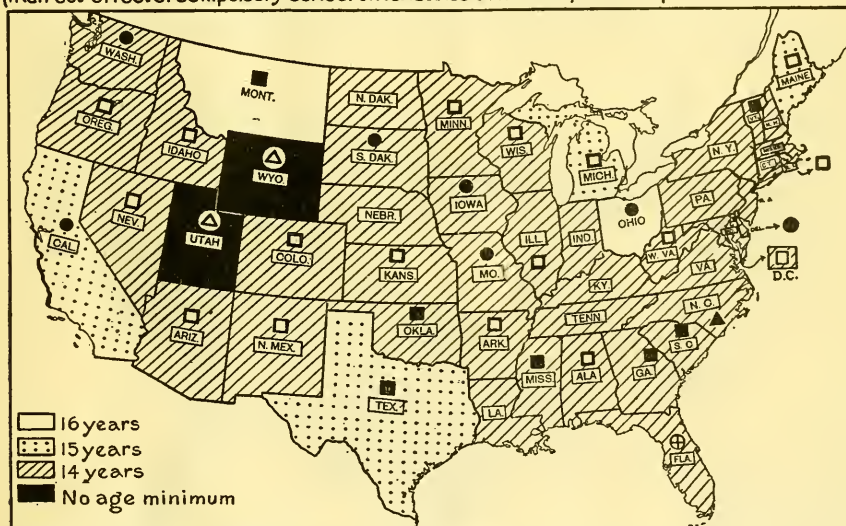
### AGE MINIMUM FOR CHILDREN ENTERING EMPLOYMENT.

The nominal age minimum for work in factories in all except two States, and for work in numerous other employments in many other States, is fixed at 14 years or over for both boys and girls. Seven States have an age minimum of 15 years or over. This does not mean that in all these States no child under 14, 15, or 16 years of age may go to work, for there are many exemptions permitted by the laws and many limitations upon their application. The most that can be said for a number of States is that the law shows recognition by the legislature of a standard, variation from which is permitted only under certain specified and more or less clearly defined conditions.

### MINIMUM AGE FOR CHILDREN IN FACTORIES\* AND STORES

[1926 legislation included so far as available August 1, 1926]

(Indirect effect of compulsory school attendance and work-permit requirements not noted)



\* Canneries and other establishments handling perishable products are not included.

☐ With exemptions which are limited to time outside school hours.

- With exemptions which are not limited to time outside school hours.

⊕ 12 years of age for stores.

- No age minimum for stores except restriction imposed by compulsory education law on work during school hours.

Δ Certain dangerous or injurious occupations prohibited for child under 16. In Wyoming no child whose attendance at school is required by law may be employed in factories or stores during school hours.

▲ Factories, 14; stores, 14 except under regulations prescribed by State child-welfare commission

## EDUCATIONAL REQUIREMENTS FOR CHILDREN ENTERING EMPLOYMENT.

One of the primary reasons for restrictions upon child labor is that every child may have the education necessary for the citizens of a republic. An educational standard for going to work serves to insist upon this opportunity for those children who have not secured a minimum of education even though they have reached the age at which the law permits them to work.

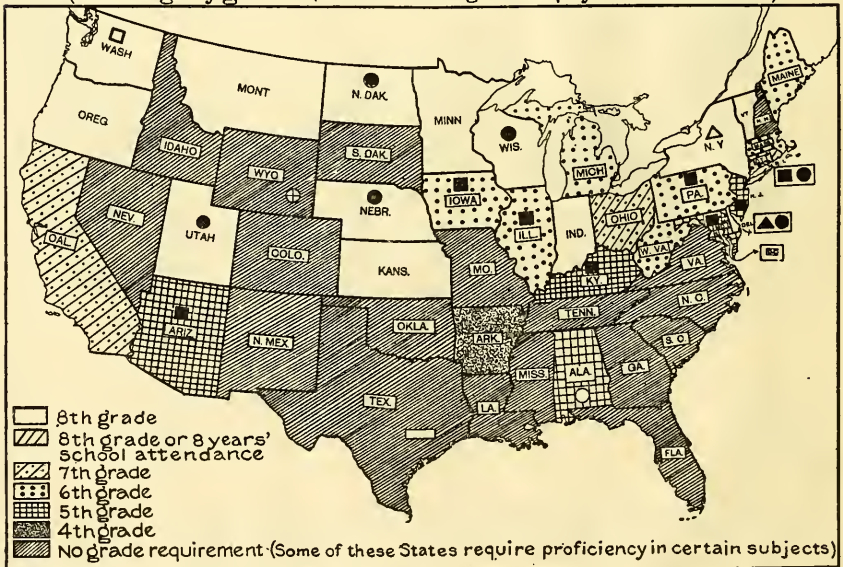
Only 13 States and the District of Columbia require completion of at least the eighth grade for the issuance of regular employment certificates; and 7 of these 13 permit exemptions under certain conditions. The laws of 18 States either (1) have no educational requirement at all,<sup>1</sup> or (2) fix no definite grade standard, demanding only that before going to work the child must be able to read and write (usually in English) and, in some States, that he have a knowledge of elementary arithmetic.

<sup>1</sup> One of these States, however, has a fifth-grade requirement for special permits issued on account of poverty to children below the regular minimum age.

## EDUCATIONAL STANDARDS FOR CHILDREN GOING TO WORK

[1926 legislation included so far as available August 1, 1926]

(Including only grade requirement for regular employment certificates)



△ 8th grade for child 14 to 15; 6th for child 15 to 16.

■ Completion of designated grade in specified subjects. (In Connecticut local school authorities may raise requirements. In Maryland, outside Baltimore, completion of 7th grade is required under county school attendance law.)

□ Where continuation schools are established, 8th grade for child 14 to 15, no grade requirement for child 15 or over; in other places, no grade requirement.

● With exemptions.

▲ In Wilmington, by ruling of board of education; in rest of State, indirectly through compulsory education law.

○ Completion of 6th grade, effective September 1, 1926.

⊕ No provision for employment certificates applicable to general occupations.

▭ No regular employment certificate required for child over minimum age (15); 5th grade for "poverty" permit (12-15).



## PHYSICAL EXAMINATIONS OF CHILDREN ENTERING EMPLOYMENT.

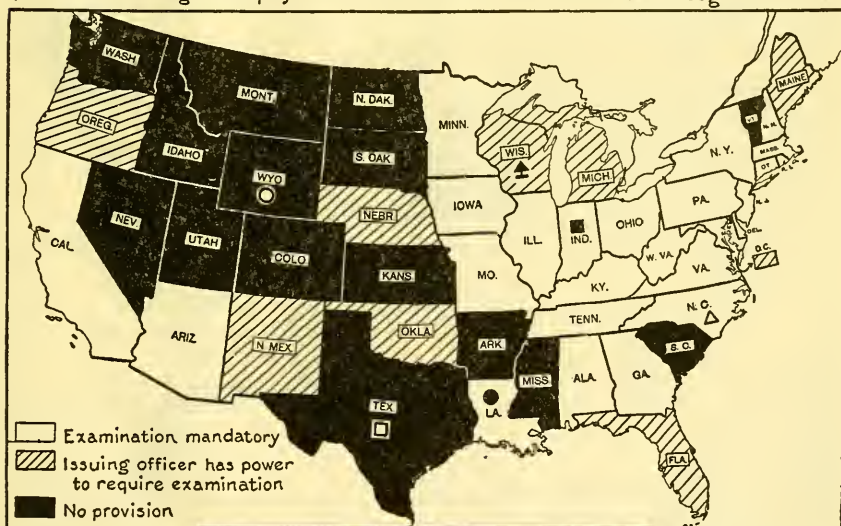
The importance of physical examinations at regular intervals is becoming more and more generally recognized. Such examinations are particularly important in the case of children under 18 years of age who go to work. During the years from about 12 to maturity the child's body undergoes rapid growth and change, and if he is obliged through this period to adjust himself to the new demands of occupational life he is subjected to a double mental and physical strain. All except 15 States have recognized the need for protection by making some legal provision in regard to the child's physical ability to go to work, but only 25<sup>1</sup> (2 of these with certain exemptions) have made an examination by a physician mandatory before a child may receive a regular employment certificate. Eight other States and the District of Columbia authorize the requirement of an examination at the discretion of the certificate-issuing officer.

<sup>1</sup> In one of these States the law does not go into effect until July 1, 1927.

## LEGAL REQUIREMENTS FOR PHYSICAL EXAMINATIONS OF CHILDREN GOING TO WORK

[1926 legislation included so far as available August 1, 1926]

(Examinations for regular employment certificates. Examinations to determine age not included)



▲ Examination mandatory in Milwaukee by order of Wisconsin Industrial Commission.

■ Exemptions in certain cases on written objection of parent.

△ Examination within 6 months previous by authorized medical officer may be accepted as substitute.

○ No provision for employment certificates applicable to general occupations.

□ No regular employment certificate required for child over minimum age (15); physical examination mandatory for "poverty" permit (12-15).

● Effective July 1, 1927.

## AGE MINIMUM FOR WORK IN MINES.

Most State laws prohibit children under specified ages from engaging in certain hazardous or unhealthful occupations, and a number give to a State board power to determine from time to time what occupations are dangerous or injurious and to prohibit children from working in such occupations. An employment generally recognized and regulated as hazardous is mining. Thirty States, including most of those in which mining is an important industry,<sup>1</sup> prohibit the employment of boys in mines before the age of 16,<sup>2</sup> and five States have a still higher minimum age. Many States prohibit entirely the employment of girls or women in this industry, but, since women and girls usually have not been employed in mines in the United States, the laws on this point are not important.

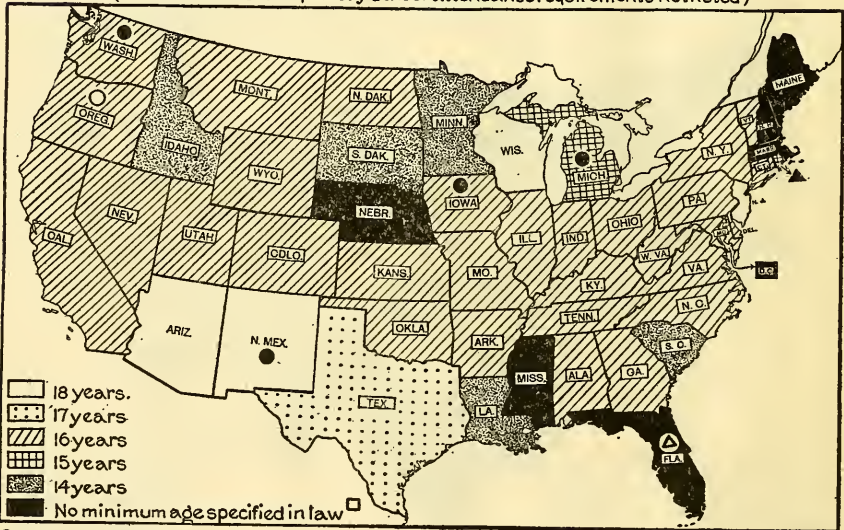
<sup>1</sup> See Chart IV, p. 15.

<sup>2</sup> Two of these States permit exemptions.

## MINIMUM AGE FOR BOYS IN MINES

[1926 legislation included so far as available August 1, 1926]

(Indirect effect of compulsory school attendance requirements not noted)



## THE LENGTH OF THE WORKING-DAY.

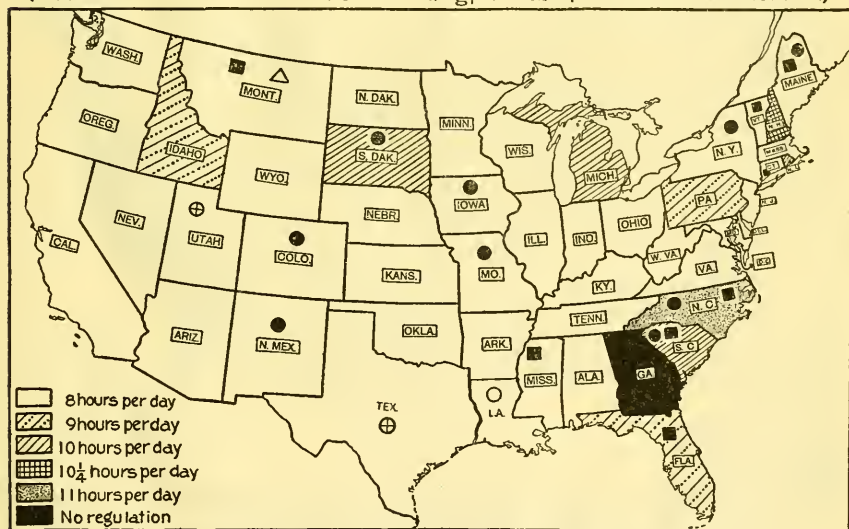
Thirty-seven States<sup>1</sup> and the District of Columbia have recognized the principle of an eight-hour day for child workers<sup>1</sup> by fixing this standard for the work of children of certain ages in at least one industry; 31 States and the District of Columbia have an eight-hour day which applies to children up to 16 years of age in both factories and stores,<sup>1</sup> 5 of these allowing certain exemptions. In some of these States the eight-hour day covers work in many other employments, sometimes in all "gainful occupations." This prohibition may also apply to girls, or to children of both sexes, up to 18 years of age; and in a few instances it applies to all females. Nine States still permit children between 14 and 16 years of age to work from 9 to 11 hours a day, and one does not regulate the length of the working-day.

<sup>1</sup> In one of these States the law does not go into effect until July 1, 1927. One other State, Montana, prohibits altogether the work of children under 16 in factories.

### DAILY HOURS FOR CHILDREN UNDER 16\* IN FACTORIES AND STORES

[1926 legislation included so far as available August 1, 1926.]

(Canneries and other establishments handling perishable products are not included)



\* Laws regulating hours of labor for females are not included.

△ Classified here because no child under 16 may be employed at any time in factories.

⊕ Law does not extend to 16 years of age. (In Texas children 15 to 16 are not covered by the law; in Utah boys 14 to 16 are not covered by the law.)

● With exemptions. (In Maine, exemption limited to employers engaged in public service in certain cases of emergency.)

■ No regulation for stores. (But in North Carolina, for children under 14, an 8-hour day is prescribed for work in stores.)

○ Effective July 1, 1927.



## WEEKLY HOURS FOR WORKING CHILDREN.

The 48-hour week is nearly always prescribed in States which require the 8-hour day; four of these—Mississippi, New Mexico, New York, and Virginia—have a 44-hour week. Twenty-eight<sup>1</sup> States and the District of Columbia have a 48-hour week<sup>2</sup> applying to children up to 16 years of age in factories and stores; this provision also applies in some States to girls up to 21 or to all children up to 18 years of age, and in a few States to all females.

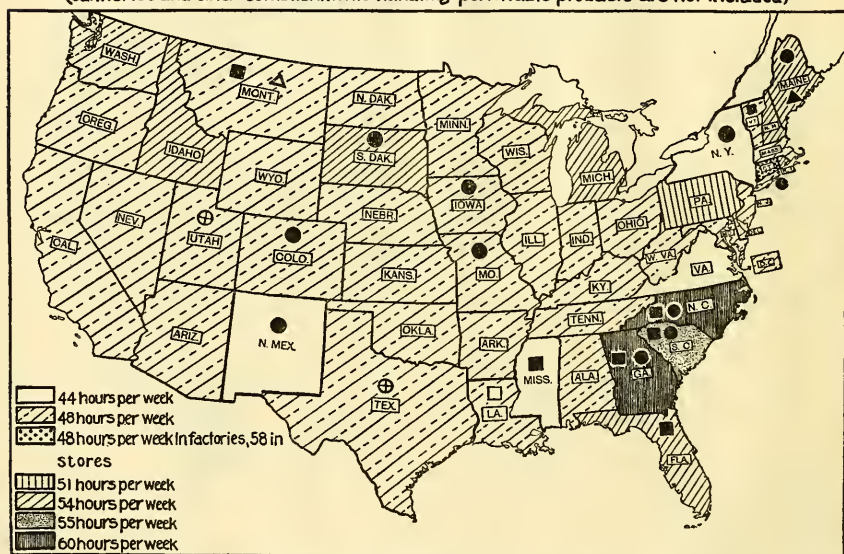
<sup>1</sup> In Rhode Island a bill fixing a maximum 48-hour week and 9-hour day, with certain exemptions, for children under 16 and for all females in factories, stores, et cetera, to go into effect June 1, 1924, was passed by the legislature and signed by the governor, but the legality of its passage by the senate is disputed.

<sup>2</sup> Three of these permit exemptions. In one of these States the law does not go into effect until July 1, 1927. One other State, Montana, prohibits altogether the work of children under 16 in factories.

WEEKLY HOURS FOR CHILDREN UNDER 16 \*  
IN FACTORIES AND STORES

[1926 legislation included so far as available August 1, 1926]

(Canneries and other establishments handling perishable products are not included)



\* Laws regulating hours of labor for females are not included.

△ Classified here because no child under 16 may be employed at any time in factories.

⊕ Law does not extend to 16 years of age. (In Texas children 15 to 16 are not covered by the law; in Utah boys 14 to 16 are not covered by the law.)

▲ Provision for 54-hour week in factories does not apply to boys

● With exemptions.

■ No regulation for stores.

□ Effective July 1, 1927.

## PROHIBITION OF NIGHT WORK FOR CHILDREN.

The need for protection of children from the physical and moral dangers of employment at night has received fuller recognition in our State laws than the need for hour regulations, but nevertheless three States have not yet provided this protection.<sup>1</sup> Thirty-five States and the District of Columbia prohibit children up to 16 years of age from engaging in night work in factories and stores,<sup>2</sup> the provision often extending to a number of other employments and even to all gainful work. In some States this prohibition applies to minors up to 18 years of age, and in some to all females.

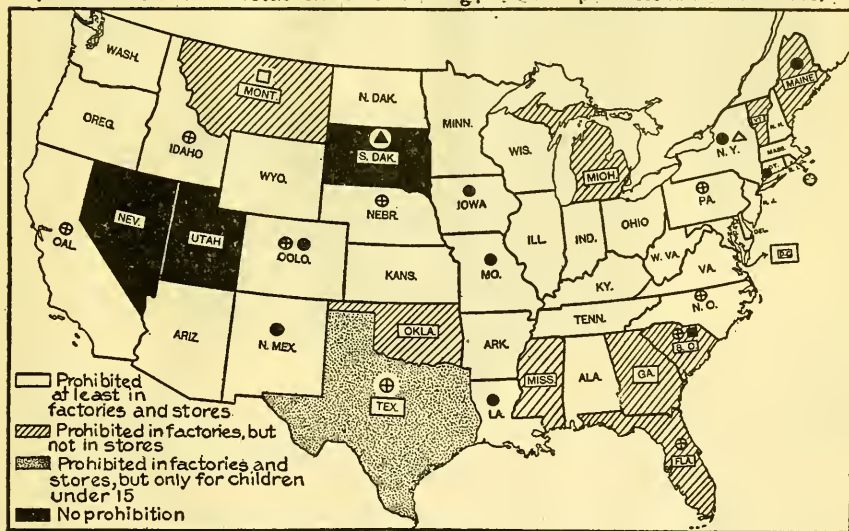
<sup>1</sup> One of these, South Dakota, prohibits night work in mercantile establishments for children under 14. One other State, Montana, has no night-work prohibition, but prohibits altogether the work of children under 16 in factories.

<sup>2</sup> Seven of these permit exemptions.

## LEGAL PROHIBITIONS OF NIGHT WORK FOR CHILDREN UNDER 16 IN FACTORIES AND STORES

[1926 legislation included so far as available August 1, 1926]

(Canneries and other establishments handling perishable products are not included)



● With exemptions. (In Maine, exemption limited to employers engaged in public service in certain cases of emergency.)

□ Employment of child under 16 in factories entirely prohibited.

⊕ Work permitted later than 7 p.m. (until 8 p.m. in Colorado, Florida, Nebraska, Pennsylvania, Rhode Island, South Carolina [9 p.m. to make up time lost on account of accident to machinery]; until 9 p.m. in Idaho and North Carolina; until 10 p.m. in California and Texas).

△ Prohibition extends from 5 p.m. to 8 a.m. for factories; 6 p.m. to 8 a.m. for stores.

■ Employment of all females in stores after 10 p.m. prohibited.

▲ Children under 14 prohibited from work in mercantile establishments after 7 p.m.

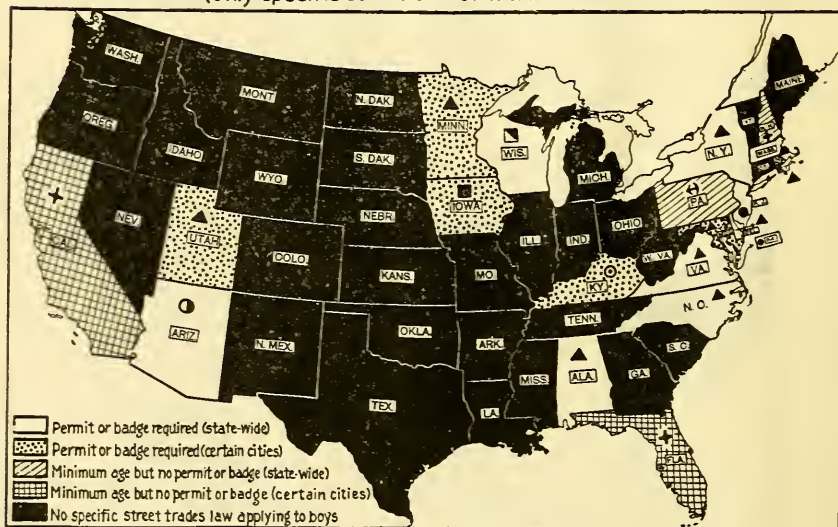
## STATE REGULATION OF CHILD LABOR IN STREET TRADES.

Fifteen States and the District of Columbia have laws requiring children selling papers or doing other work on the street to secure permits or badges. Only 11 have state-wide laws affecting boys engaged in independent street work. These laws have proved much more difficult to enforce than those regulating child labor in factories, stores, and other establishments. Although child labor in street trades may be controlled by local ordinances or police regulations and is so controlled in some places, State law is necessary in order that minimum protection may be effective throughout the State.

## STATE LAWS REGULATING THE WORK OF BOYS IN STREET TRADES\*

[1926 legislation included so far as available August 1, 1926]

(Only specific street trades laws included)



\* This does not include: (1) provisions applying to route carriers; (2) city ordinances; (3) delinquency and dependency laws sometimes applying to street workers; (4) laws relating to messengers and delivery boys.

○ Minimum age 10 in cities; state-wide child labor law provides for "license" 10-14.

● Minimum age 10; regulated to 16. (In New Jersey "age and working certificate," provided in child labor law, might be used for street trades.)

■ Minimum age 11, with exemptions; regulated to 16.

▲ Minimum age 12; regulated to 16. (In Delaware "provisional" permit provided for in child labor law might be used for street trades; State law, applicable to Wilmington only, requires badges.)

○ Minimum age 14; regulated to 16.

↗ Minimum age 12.

◻ Minimum age 12; regulated to 17.

+ Minimum age 10.

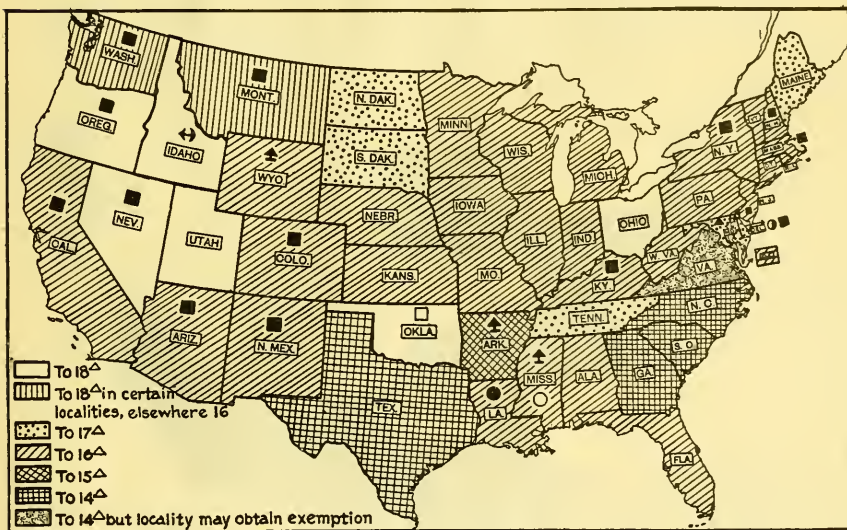


## COMPULSORY SCHOOL ATTENDANCE.

Every State now has a compulsory school attendance law, but in Mississippi certain counties are exempted, and in Virginia particular localities may obtain exemption under certain specified conditions. In 28 States attendance is required throughout the State up to the age of 16, and in 14 the upper age limit is 17 or 18, at least in some localities. The school law in most States allows children above a certain age (usually 14) to be excused to go to work, and many other exemptions are permitted which weaken the effect of the compulsory school attendance provisions.

### COMPULSORY DAY-SCHOOL ATTENDANCE LAWS\* AFFECTING EMPLOYMENT OF CHILDREN

[1926 legislation included so far as available August 1, 1926]



\* Provisions exempting children because of physical or mental incapacity, distance from school, or attendance upon equivalent instruction are not included.

△ With exemptions.

□ No exemptions under 16, but attendance is required for only two-thirds of the entire session.

↔ No exemptions under 15.

■ No exemptions under 14 (this applies in Arizona according to continuation school law; in Delaware to Wilmington only; in Kentucky to cities of first, second, third, or fourth class only; in Washington only where continuation schools are established).

♣ Law applies up to the specified age, "inclusive".

● To 16 in parish of Orleans; to 14, "inclusive," elsewhere.

▲ To 17 outside Baltimore; to 16 in Baltimore.

○ To 17 outside Wilmington; to 16 in Wilmington.

○ Certain counties exempted.

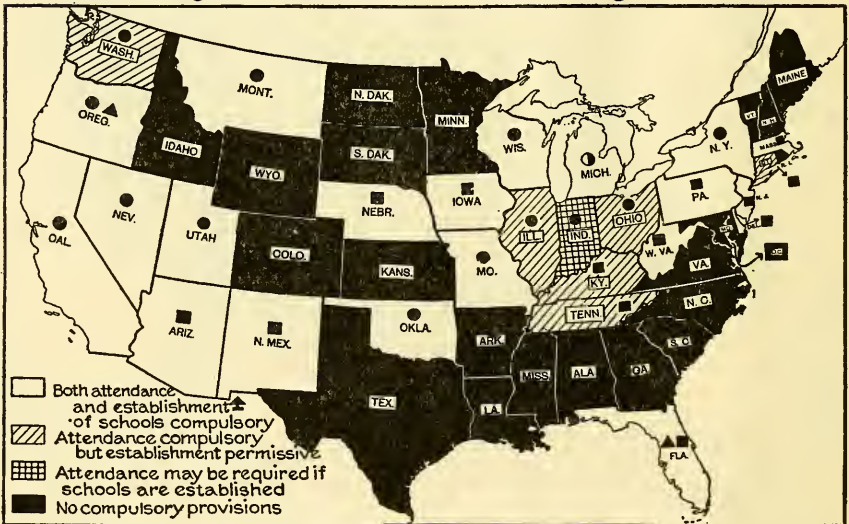
## COMPULSORY PART-TIME SCHOOL ATTENDANCE.

The recognition of the need for providing further educational opportunities for children who have left the regular day schools and entered industrial life at an early age is shown by the passage, within the past few years, of laws requiring employed children between 14 and 16 years of age, and in some States up to 18 years of age, to attend part-time continuation schools.

Twenty-seven States now have laws of this type, but only 20 of these have provisions requiring schools to be established under certain specified conditions. The attendance required in most States varies from four to eight hours weekly, to be counted as part of the child's legal working hours.

### COMPULSORY PART-TIME SCHOOL ATTENDANCE LAWS\* AFFECTING EMPLOYED CHILDREN

[1926 legislation included so far as available August 1, 1926.]



\* Evening school laws not included. Exemptions not noted.

▲ Establishment compulsory under certain specified conditions.

● Attendance required up to 16 years of age.

⊙ Attendance required up to 17 years of age.

⊙ Attendance required up to 18 years of age. (In Illinois, establishment optional with local school authorities; day-school attendance law requires attendance at continuation school to 16; local school authorities may require attendance to 18; in Missouri, penalty applies only up to 16; in New York, school facilities for all children under 18 subject to the act must be established by September, 1928.)

▲ Evening-school attendance accepted as substitute.

## LEGAL REGULATION OF THE EMPLOYMENT OF MINORS 16 YEARS OF AGE AND OVER.

The employment standards illustrated by the preceding maps apply chiefly to children under 16 years of age. Many minors over that age, however, are employed who are in need of legal protection. The last census showed 221,298 girls 16 and 17 years of age employed in manufacturing and mechanical establishments—24,467 as laborers and 185,024 as semiskilled operatives. The number of working boys of this age was somewhat larger—366,215 in manufacturing and mechanical establishments, 130,627 as laborers, and 133,175 as semiskilled operatives. The census also showed 60,989 boys and 27,396 girls 16 and 17 years of age employed in transportation and 24,388 boys and 88,148 girls in domestic service.

A number of States have undertaken to place some safeguards around the employment of these young persons. In general, these regulations relate to employment in especially hazardous occupations, such as work in blast furnaces, manufacture of poisons, and operation of dangerous machinery; to occupations involving moral hazards, such as night messenger work; to hours of labor; and to night work.<sup>1</sup>

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<sup>1</sup> Regulations along these lines in effect in the various States are summarized in a leaflet entitled "Legal Regulation of the Employment of Minors 16 Years of Age and Over," issued by the Children's Bureau, U. S. Department of Labor.

## 10. WHAT ARE THE MINIMUM STANDARDS FOR CHILDREN ENTERING EMPLOYMENT?

Minimum standards for children entering employment adopted at the Washington and Regional Conferences on Child Welfare called by the Children's Bureau in 1919 are as follows:

### **Age minimum.**

An age minimum of 16 for employment in any occupation, except that children between 14 and 16 may be employed in agriculture and domestic service during vacation periods until schools are continuous throughout the year.

An age minimum of 18 for employment in and about mines and quarries.

An age minimum of 21 for girls employed as messengers for telegraph and messenger companies.

An age minimum of 21 for employment in the special-delivery service of the U. S. Post Office Department.

Prohibition of the employment of minors in dangerous, unhealthy, or hazardous occupations or at any work which will retard their proper physical or moral development.

### **Educational minimum.**

All children between 7 and 16 years of age shall be required to attend school for at least nine months each year.

Children between 16 and 18 years of age who have completed the eighth but not the high-school grade and are legally and regularly employed shall be required to attend day continuation schools at least eight hours a week.

Children between 16 and 18 who have not completed the eighth grade or children who have completed the eighth grade and are not regularly employed shall attend full-time school. Occupational training especially adapted to their needs shall be provided for those children who are unable because of mental subnormality to profit by ordinary school instruction.

Vacation schools placing special emphasis on healthful play and leisure time activities shall be provided for all children.

### **Physical minimum.**

A child shall not be allowed to go to work until he has had a physical examination by a public-school physician or other medical officer especially appointed for that purpose by the agency charged with the enforcement of the law, and has been found to be of normal development for a child of his age and physically fit for the work at which he is to be employed.

There shall be annual physical examinations of all working children who are under 18 years of age.

### **Hours of employment.**

No minor shall be employed more than 8 hours a day or 44 hours a week. The maximum working day for children between 16 and 18 shall be shorter than the legal working day for adults.

The hours spent at continuation schools by children under 18 years of age shall be counted as part of the working day.

Night work for minors shall be prohibited between 6 p. m. and 7 a. m.

### **Minimum wage.**

Minors at work shall be paid at a rate of wages which for full-time work shall yield not less than the minimum essential for the "necessary cost of proper living, as determined by a minimum wage commission or other similar official board." During



a period of learning they may be rated as learners and paid accordingly. The length of the learning period should be fixed by such commission or other similar official board, on educational principles only.

#### **Placement and employment supervision.**

There shall be a central agency which shall deal with all juvenile employment problems. Adequate provision shall be made for advising children when they leave school of the employment opportunities open to them, for assisting them in finding suitable work, and providing for them such supervision as may be needed during the first few years of their employment. All agencies working toward these ends shall be coordinated through the central agency.

### **ADMINISTRATION.**

#### **Employment certificates.**

Provision shall be made for issuing employment certificates to all children entering employment who are under 18 years of age.

An employment certificate shall not be issued to the child until the issuing officer has received, approved, and filed the following:

1. A birth certificate, or, if unobtainable, other reliable documentary proof of the child's age.
2. Satisfactory evidence that the child has completed the eighth grade.
3. A certificate of physical fitness signed by a public-school physician or other medical officer especially appointed for that purpose by the agency charged with the enforcement of the law. This certificate shall state that the minor has been thoroughly examined by the physician and that he is physically qualified for the employment contemplated.
4. Promise of employment.

The certificate shall be issued to the employer and shall be returned by the employer to the issuing officer when the child leaves his employment.

The school last attended, the compulsory-education department, and the continuation school shall be kept informed by the issuing officers of certificates issued or refused and of unemployed children for whom certificates have been issued.

Minors over 18 years of age shall be required to present evidence of age before being permitted to work in occupations in which the entrance ages or hours are especially regulated.

Record forms shall be standardized and the issuing of employment certificates shall be under State supervision.

Reports shall be made to the factory inspection department of all certificates issued and refused.

#### **Compulsory-attendance laws.**

Full-time attendance officers adequately proportioned to the school population shall be provided in cities, towns, and counties to enforce the school-attendance law.

The enforcement of school-attendance laws by city, town, or county school authorities shall be under State supervision.

#### **Factory inspection and physical examination of employed minors.**

Inspection for the enforcement of all child-labor laws, including those regulating the employment of children in mines or quarries, shall be under one and the same department. The number of inspectors shall be sufficient to insure semiannual inspections of all establishments in which children are employed, and such special inspections and investigations as are necessary to insure the protection of the children.

Provision should be made for a staff of physicians adequate to examine annually all employed children under 18 years of age.

## PUBLICATIONS OF THE UNITED STATES CHILDREN'S BUREAU ON THE SUBJECT OF CHILD LABOR.

- Administration of Child-Labor Laws, Part 5: Standards applicable to the administration of employment-certificate systems. Publication No. 133.
- Administration of Laws Exempting Children from School Attendance for Work at Home. (In preparation.)
- Administration of the First Federal Child Labor Law. Publication No. 78.
- Advising Children in their Choice of Occupation and Supervising the Working Child. Publication No. 53.
- Annual Reports of the Chief of the Children's Bureau (not available for distribution but can be found in a number of libraries).
- Child Labor—Outlines for Study. Publication No. 93. This publication presents the outstanding features of the child-labor problem arranged in study-outline form and gives reading references.
- Child Labor and the Welfare of Children in an Anthracite Coal Mining District. Publication No. 106.
- Child Labor and the Work of Mothers in the Beet Fields of Colorado and Michigan. Publication No. 115.
- Child Labor and the Work of Mothers in Oyster and Shrimp Canning Communities on the Gulf Coast. Publication No. 98.
- Child Labor and the Work of Mothers on Norfolk Truck Farms. Publication No. 130.
- Child Labor in Canneries. (In preparation.)
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